

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

FEB 26 1996

In the Matter of

Definition of Markets for Purposes of the
Cable Television Mandatory Television
Broadcast Signal Carriage Rules

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) CS Docket No. 95-178
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To: The Commission

REPLY COMMENTS

The Post Company ("Post") herein submits its reply comments in the above-captioned rulemaking proceeding.

Unlike several television licensees filing comments in this proceeding, Post favors retaining, for must-carry purposes, market definitions based on the 1991-1992 Television ADI Market Guide. As pointed out in the Comments of Cole Raywid & Braverman, Section 301(d) of the Telecommunications Act of 1996 provides the Commission sufficient discretion to continue to rely on the existing ADI list. Abandonment of that market definition standard in favor of a standard based on Nielsen Media Research's Designated Market Areas ("DMAs") would create significant disruption in cable carriage lineups, particularly if the change were implemented for purposes of the October 1, 1996 must-carry/retransmission consent election.

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Although the National Association of Broadcasters ("NAB") favors use in 1996 of DMA-based market definition, its Comments illustrate the extent of disruption that would occur. In comparing Nielsen's 1995-96 DMAs with Arbitron's 1991-92 ADIs, NAB calculated approximately 126 markets would be effected with approximately 79 markets gaining counties and 83 markets losing counties. A switch to a DMA standard would generate a plethora of market modification petitions, filed pursuant to Section 614(h) of the Communications Act, through which both television licensees and cable operators would seek to maintain pre-existing carriage without facing burdensome copyright fees. If the use of DMAs were to be made effective for the October 1, 1996 must-carry/retransmission consent election, television licensees, cable operators and the Commission would be placed under significant time pressure to make the necessary adjustments. The potential exists for repeated reshuffling of cable carriage lineups, much to the disservice to the viewing public.

As indicated in its Comments, Post strongly favors retention of the ADI-based market definition currently in place, as modified pursuant to the Section 614(h) process. But at a minimum, if the Commission determines that a change to a DMA-based market definition is appropriate, that change should not be effective until the 1999 election period, thereby permitting parties sufficient time to respond to the loss and addition of various counties through

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the filing of appropriate market modification petitions. Stated simply, the public interest would be disserved by a last-minute switch to DMAs.¹

In sum, Post urges the Commission to continue to use the 1991-92 Television ADI Market Guide to define local television station markets for must-carry purposes. But if a transition to Nielsen's DMAs is to be made at all, the change should not be effective until the 1999 must-carry/retransmission consent election.

THE POST COMPANY

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February 26, 1996

¹ If the Commission decides to switch to a DMA-based market definition for the October 1, 1996 election, the Commission should permit the filing of market modification petitions immediately upon adoption of a Report and Order in this proceeding.

CERTIFICATE OF SERVICE

I, Pamela R. McKethan, hereby certify that on this 26th day of February, 1996, copies of the foregoing **REPLY COMMENTS** were mailed, first-class, postage prepaid, to the following:

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